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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

ANTHONY SCOTT LEVANDOWSKI,

Debtor.

ANTHONY SCOTT LEVANDOWSKI, an
individual,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.

Defendant.

Case No. 20-30242 (HLB)

Chapter 11

Adv. Pro. No. 20-03050 (HLB)

**UBER TECHNOLOGIES INC.'S
ADMINISTRATIVE MOTION TO FILE
PARTIALLY REDACTED MOTION TO
STRIKE OR, IN THE ALTERNATIVE,
MOTION IN LIMINE TO EXCLUDE
REBUTTAL EXPERT REPORTS AND
TESTIMONY OF BENJAMIN ROSE
AND JOSEPH SHAW AND TO FILE
EXHIBIT A UNDER SEAL**

Defendant Uber Technologies, Inc. ("**Uber**") hereby submits this administrative motion (the
"**Administrative Motion**"), pursuant to section 107 of title 11 of the United States Code (the
"**Bankruptcy Code**"), Rule 9018 of the Federal Rules of Bankruptcy Procedure (the "**Bankruptcy**

Rules”), and Civil Local Rule 79-5 (applicable to this proceeding pursuant to Bankruptcy Local Rule 1001-2(a)), for the entry of an order authorizing Uber to:

- (a) File a partially redacted *Motion to Strike or, in the Alternative, Motion in Limine to Exclude Rebuttal Expert Reports and Testimony of Benjamin Rose and Joseph Shaw* (“**Motion**”) and
- (b) File Exhibit A to the supporting declaration of Katharine Ciliberti under seal.

This Administrative Motion has been served on counsel for the debtor, Anthony Levandowski (the “**Debtor**”), Google LLC, and all other parties who are registered through ECF.

I.

FACTS

On March 22, 2021, Mr. Levandowski served the expert report of Joseph Shaw and designated it Highly Confidential – Attorneys’ Eyes Only. Dr. Shaw’s report discusses issues related to whether certain technology used Google confidential information. Although Uber does not have any confidentiality interests in Exhibit A, because Mr. Levandowski has designated Dr. Shaw’s report as such, Uber files this Administrative Motion to provisionally seal Exhibit A and to provide the Debtor and Google with an opportunity to file supporting declarations under Civil Local Rule 79-5(e)(1) establishing that the designated material is sealable.

II.

DISCUSSION

The Bankruptcy Code, Bankruptcy Rules, and Local Rules authorize the Court to limit the disclosure of certain confidential information to protect entities from potential harm. Section 107(b) of the Bankruptcy Code provides, in relevant part, as follows:

On request of a party in interest, the bankruptcy court shall . . .
(1) protect an entity with respect to a trade secret or confidential research, development, or commercial information

11 U.S.C. § 107(b)(1).

Bankruptcy Rule 9018 provides that on motion, with or without notice, the court may make any order which justice requires, *inter alia*, to protect “any entity in respect of a trade secret or other

1 confidential research, development, or commercial information.” *See* Fed. R. Bankr. P. 9018. The
2 Local Rules further provide that “[n]o document may be filed under seal . . . except pursuant to a
3 Court order that authorizes the sealing of the particular document or portions thereof.” Civil Local
4 Rule 79-5 (applicable to this proceeding pursuant to Bankruptcy Local Rule 1001-2(a)).

5 Uber seeks to provisionally seal Exhibit A to the supporting declaration of Katharine
6 Ciliberti because it has been designated Highly Confidential – AEO by Mr. Levandowski and
7 subject to the Protective Order entered in this proceeding. Uber takes no position on whether Exhibit
8 A should be sealed from the public; however, Uber understands that the Debtor and/or Google may
9 assert confidentiality interests in Exhibit A and thus seeks to provide them with an opportunity to file
10 supporting declarations establishing their confidentiality interests pursuant to Civil Local Rule 79-5.
11 In the meantime, Uber has redacted certain references to Exhibit A in its Motion and has
12 provisionally filed Exhibit A under seal.

13 As the parties are aware, the Protective Order entered in this matter does not automatically
14 entitle parties to file documents under seal, but it does recognize the parties’ obligations to follow
15 the procedures set forth in Civil Local Rule 79-5 when warranted. For the reasons describe above,
16 Uber believes that the relief requested herein is an appropriate exercise of this Court’s authority
17 under both section 107 of the Bankruptcy Code and Local Rule 1002-2(a) and should be granted.

18 **III.**

19 **CONCLUSION**

20 For all of the foregoing reasons, the Uber respectfully requests that the Court grant this
21 Administrative Motion and enter the accompanying proposed order.

1 Respectfully Submitted,

2 Dated: March 29, 2021

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4 By: /s/ Debra I. Grassgreen

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5
6 and

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10 Katharine Ciliberti

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